

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GARY D EASLEY,  
Plaintiff,

v.

DONALD J. TRUMP, et al.,  
Defendants.

Case No. [5:22-cv-02344-EJD](#)

**ORDER DISMISSING ACTION FOR  
FAILURE TO PROSECUTE**

Plaintiff filed the present action on April 15, 2022. ECF No. 1. Magistrate Judge DeMarchi screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915. On May 2, 2022, Magistrate Judge DeMarchi issued an order finding that the complaint failed to satisfy the screening requirements of 28 U.S.C. § 1915 and allowed Plaintiff leave to amend by May 23, 2022. ECF No. 5. Plaintiff failed to file an amended complaint by the deadline, so on May 26, 2022, Magistrate Judge DeMarchi recommended that Plaintiff's complaint be dismissed. ECF No. 6. On the same day, Plaintiff filed a motion for extension of time to file his amended complaint. ECF No. 12.

On June 1, 2022, the Court granted Plaintiff's motion for extension of time and ordered Plaintiff to file his amended complaint by July 23, 2022. ECF No. 13. On July 6, 2022, Plaintiff filed a second motion for extension of time. ECF No. 14. On July 8, 2022, the Court granted Plaintiff's second motion for extension of time and ordered Plaintiff to file his amended complaint by August 15, 2022. ECF No. 16. The Court advised that failure to meet this deadline would result in dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41. *Id.* Plaintiff failed to meet this deadline and instead filed a third motion for extension of time on

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1 August 18, 2022. ECF No. 17. In his third motion, Plaintiff represented that he could not meet  
2 the Court's deadline because he contracted Covid-19. *Id.* at 2-3. He requested a brief extension to  
3 September 1, 2022 and represented that he was "almost done" with his amended complaint. *Id.* at  
4 2. He also submitted an "incomplete version" of his amended complaint. *Id.*; ECF No. 18  
5 (Plaintiff's incomplete complaint). On January 13, 2023, finding good cause, the Court granted  
6 Plaintiff's third motion for extension of time and ordered Plaintiff to file his amended complaint  
7 by January 27, 2023. ECF No. 19. As several months had passed since Plaintiff represented that  
8 he was "almost done" with his amended complaint and Plaintiff had filed an "incomplete" version  
9 of his complaint to substantiate his representation, the Court explicitly warned that failure to meet  
10 this deadline would result in dismissal. *Id.* The Court explained that it would not entertain further  
11 motions for extension of time. *Id.* To date, Plaintiff has still not filed his amended complaint.

12 The Court possesses the inherent power to dismiss an action sua sponte "to achieve the  
13 orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33  
14 (1962). Accordingly, the Court **DISMISSES** this action with prejudice pursuant to Rule 41(b).

15 The Clerk of the Court shall close the file.

16 **IT IS SO ORDERED.**

17 Dated: February 9, 2023



EDWARD J. DAVILA  
United States District Judge